

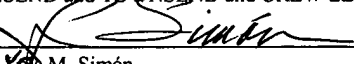
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On November 24, 2003

TOWNSEND and TOWNSEND and CREW LLP


Y. M. Simón



PATENT
Attorney Docket No.: 021153-001400US
Client Reference No.: 20726/US/PO

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Charles E. Tucker et al.

Application No.: 10/057,826

Filed: January 24, 2002

For: PROCESS FOR THE
PREPARATION OF NONRACEMIC
SYN-1-(4-HYDROXY-PHENYL)-2-(4-
HYDROXY-4-PHENYL-PIPERIDIN-1-
YL)-1-PROPANOL COMPOUNDS

Examiner: Celia Chang

Art Unit: 1625

SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT UNDER 37
CFR §1.97 and §1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on the attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

Applicants would also like to bring to the attention of the Examiner the following related co-pending applications:

<u>U.S. Patent Application No.</u>	<u>Filed</u>	<u>Applicant</u>
10/153,421	May 21, 2002	Tucker et al.
10/158,559	May 21, 2002	Tucker et al.
10/158,560	May 21, 2002	Tucker et al.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

Joel G. Ackerman
Reg. No. 24,307

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60057982 v1

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number	10/057,826
Filing Date	January 24, 2002
First Named Inventor	Tucker, Charles E.
Art Unit	1625
Examiner Name	Celia Chang
Attorney Docket Number	021153-001400US

U.S. PATENT DOCUMENTS+

Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	1.	10/153,421		Filed 05-21-2002	Tucker et al.	
	2.	10/158,559		Filed 05-21-2002	Tucker et al.	
	3.	10/158,560		Filed 05-21-2002	Tucker et al.	
	4.	2002/0095056		07-2002	Cobley et al.	
	5.	6,037,500		03-14-2000	Zhang	
	6.	6,372,931		04-16-2002	Blacker et al.	
	7.	6,399,787		06-2002	Zhang	
	8.	6,486,337		11-2002	Burk et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				
	9.	EP	0 901 997		03-17-1999	Noyori		<input type="checkbox"/>
	10.	WO	98/42643		10-01-1998	Blacker		<input type="checkbox"/>
	11.	WO	00/18708		04-06-2000	Blacker		<input type="checkbox"/>
	12.	WO	01/12574		02-22-2001	Martin et al.		<input type="checkbox"/>
	13.	WO	01/23088		04-05-2001	Petra et al.		<input type="checkbox"/>

Examiner
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* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

60057982 v1

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

NOV 26 2003 Sheet

2

of

2

Complete if Known

Application Number	10/057,826
Filing Date	January 24, 2002
First Named Inventor	Tucker, Charles E.
Art Unit	1625
Examiner Name	Celia Chang
Attorney Docket Number	021153-001400US

NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	14.	ABDUR-RASHID et al., "Catalytic cycle for the asymmetric hydrogenation of prochiral ketones to chiral alcohols: direct hydride and proton transfer from chiral catalysts trans-Ru(H) ₂ (diphosphine)(diamine) to ketones and direct addition of dihydrogen to the resulting hydridoamido complexes" J. Am. Chem. Soc. 123:7473-7474 (2001)	
	15.	CAO, et al., "Ru-BICP-Catalyzed Asymmetric Hydrogenation of Aromatic Ketones" CA 130:281548 (1999)	
	16.	CROSS, David J. et al., "Rhodium Versus Ruthenium: Contrasting Behavior In The Asymmetric Transfer Hydrogenation Of A-Substituted Acetophenones", Tetrahedron: Asymmetry, 12:1801-1806 (2001)	
	17.	LLORCA et al., "Dichloro d-methionine-N,S-platinum II at 130K" Acta Crystallographica Section C 804-806 (2001)	
	18.	ROSSEN, K., "Ru- and Rh-Catalyzed Asymmetric Hydrogenations: Recent Surprises from an Old Reaction", Angew. Chem. Int. Ed., 40:(24) 4611-4613 (2001)	
	19.	WINTER et al., "Trapping of butatrienyliidene complexes with functional ternary amines" CA 1997:487599 (1997)	

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Considered

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